

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Scott C. Harris	Group Art Unit 2618
Appl. No.	:	09/683,600	Confirmation: 6414
Filed	:	January 24, 2002	
For	:	A TELEPHONE USING A CONNECTION NETWORK FOR PROCESSING DATA REMOTELY FROM THE TELEPHONE (as amended)	
Examiner	:	B. J. Jackson	

Applicants Brief on Appeal

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant herewith files this brief on appeal under 37 CFR 41.37, thereby perfecting the notice of appeal filed on August 6, 2010. A preappeal brief request for review was filed on this same date. A notice of panel decision from the pre-appeal brief review was mailed on November 15, 2010, making this brief on appeal due today, December 15, 2010 with no extension necessary.

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The appeal brief fee under 37 CFR 41.20-b-2 is being concurrently paid.

The sections required by 37 CFR 41.37c follow.

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Real party in interest

The application is assigned to record to Harris Technology, LLC who is hence the real party in interest.

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Related appeals and interferences.

There are no known related appeals or interferences.

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Status of claims.

In the final official action mailed on April 6, 2010, claims 13-15, 17, 18, 27, and 27 were rejected. No claim was allowed or withdrawn. Claims 27 and 28 were objected to. All of claims 13-15, 17, 18, 27, and 28 are appealed by this appeal brief.

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Status of Amendments.

An amendment after final was filed on July 6, 2010. Among other things, this amendment cancelled claims 27-28, to obviate the rejections thereto. In an advisory action mailed July 21, 2010, it was not indicated whether the amendment would or would not be entered. However, applicant will presume that this amendment has been entered at least to the extent of canceling the objected to claims 27-28.

A Notice of Appeal and Pre-Brief Conference Request were filed on August 6, 2010, after the receipt of an Advisory Action mailed July 21, 2010. A Pre-Brief Appeal Conference Decision was mailed November 15, 2010.

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Summary of the claimed subject matter

Claim 13 requires:

“13. A system, comprising:

*a first electronically operated device, including a telephone function
that controls receiving a telephone call,”*

Paragraph 11, page 3 of the specification last three lines, describes telephone handset 120. Paragraph 16, beginning page 3 line 17, describes the operation for an incoming call. The incoming call, however, can only be created according to this embodiment along with the operation of the computer 100.

Page 4, lines 1-2 describes that the telephone handset 120 has "home PNA hardware 122 built-in" and that the home PNA connects to the phone line. Note that this is the same phone line to which the computer 100 is connected.

Note that the specification, and specifically paragraphs 10-18, described how the electronically operated device includes a telephone handset together with the associated computer. For example, consider paragraph 9 of the original specification, page 3 of the specification line 1-2 that describes the computer 100 being located on the network with a connection 110. This is described as being connected to a phone line over a home PNA connection, see page 3 lines 3-4.

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Therefore, since the phone device 120 includes home PNA hardware, and operates as described herein according to the function of the computer 100, the specification supports the first electronically operated device, and its function, as being a combination of the handset 120 and computer 100, see also figure 1, elements 100 and 120.

“said first electronically operated device sensing a first control, and responsive to sensing said first control, creating a synthesized voice that requests information;”

The telephone handset 120 is described as being “is a special handset which has home PNA hardware 122 built in”. See paragraph 12 of the specification, see also page 4 lines 1-2. One of the things that the telephone handset 120 can do, is enter a dedicated connection request such as 129, that “requests sending a VoiceCommand”. See page 4, lines 5-6. The first electronically operated device senses the first control (on the handset 120).

The computer 100, part of the "first electronically operated device" is described at paragraph 16 as carrying out a flowchart of Figure 2. Note that this flowchart detects the incoming call at 205. Paragraph 31 of the specification also

describes how the system can be used to place a call, using the flowchart of Figure 3.

Paragraphs 31- 32 of the specification describes that

“This system can also be used to place a call. At 300, the user requests a call to be placed. The user can press, for example, the "voice command" button 129. The words "call jane" are sent from the handset 121, via the network circuit 122 over the phone line 110 to the computer. The words may be sent as a ".wav"file for example.

The computer receives the Voice Command and automatically recognizes it. A limited set of commands may be defined. For it example, one command may include "call". This command set may call the person whose name comes after the command. “. Paragraph 33 describes the computer receives a command, paragraph 34 describes the computer searches through the contact list, and looks for ambiguities.

If there is any ambiguity, the system operates as in paragraph 34, page 7, lines 22-25, “Alternatively, if there is ambiguity, then the computer voice synthesizes a response. The response may say for example "should I call jane at her home, office or mobile number?" The response is again monitored, narrowing again the options.”

Note that this is responsive to the voice command button 129 (see paragraph 31) and operates to synthesize a voice. Hence, this limitation is supported.

“said first electronically operated device receiving a voice to be recognized responsive to said creating said synthesized voice;

paragraph 34, page 7 of the specification lines 24-25, described that

“The response is again monitored, narrowing again the options.”

Therefore, this clearly is showing that it is receiving a voice to be recognized to narrow those options. See also the last line of paragraph 23 which describes more generally that

“The attendant uses voice synthesis technology to synthesize its voice, and uses speaker independent voice recognition technology to analyze the results.”

said first electronically operated device including a connection to a network that extends between said first electronically operated device and a second device,

Here, the phone 120 and computer 100 collectively constitute the first electronically operated device, see above. This includes a connection to a network (e.g., 110) that includes at least a second device (e.g., The phone 130 that does not include built-in home PNA see paragraph 13, but is connected to an interface 135.)

See figure 1 that shows a network 110, and another phone such as 130 connected to the network 110.

wherein said first electronically operated device operates to obtain recognized voice information from said voice to be recognized,

The first electronically operated device (the combination of handset and computer) obtains recognized voice information. See paragraph 33 and 34, page 7 lines 14-26) which looks for a match between the name and the stored information. By determining this match, this system is obtaining recognized voice information.

said first electronically operated device storing plural different contact information for plural different contacts;

The disclosure describes device stores plural different contact information (see the personal contact list in paragraph 34, page 7 lines 17-24).

wherein said first electronically operated device compares said recognized voice information against said stored contact information, and recognizes said recognized voice information only as being one of said

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stored contact information, and controls automatically placing a call based on the stored contact information obtained from the recognized voice information.

The disclosure describes how the computer searches through the contact list to look for a match against the contact information. See paragraph 34, page 7 lines 16-17. Paragraph 34, page 7 lines 17-18 describes automatically placing the call via the network.

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Grounds of rejection to be reviewed on appeal

The single rejection to be reviewed on appeal is:

Claims 13-15, 17, 18, 27, and 28 stand rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the enablement requirement.

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Argument

Claims 13-15, 17, 18, 27, and 28 stand rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the enablement requirement. As explained herein, this contention is respectfully traversed.

The rejection states:

“With regard to independent claim 13, the Disclosure does not support two claim elements comprising; "said first electronically operated device sensing a first control, and responsive to sensing said first control, creating a synthesized voice that requests information" and" wherein said first electronically operated device compares said recognized voice information against said stored contact information ... and controls automatically placing a call based on the stored contact information obtained from the recognized voice information. Paragraph 0034 of the Disclosure discloses it is the networked "second device" or "computer", not the "electronically operated device" that (determines and) compares said recognized voice information against the stored contact information and controls the call based on the stored contact list.”

As a brief background, the present specification had one object of combining telephones with computers. As explained in paragraph 10 page 3 of the specification, in the next to last paragraph, home PNA hardware operates over the existing phone lines. As explained in paragraph 10, the system allows advantages since it allows use of hardware which might otherwise be obsolete.

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The embodiment now being claimed, therefore, combines a telephone and its phone line, with a computer, and the ability to communicate using that phone and that computer. Note specifically that the claim 13 defines both telephone and computer operation. No part of claim 13 excludes the computer in any way. In fact, claim 13 must include the computer as part of the claimed combination.

With this background, applicant will show how this claim is fully supported.

Claim 13 requires:

“13. A system, comprising:

a first electronically operated device, including a telephone function that controls receiving a telephone call,”

Paragraph 11, page 3 of the specification last three lines, describes telephone handset 120. Paragraph 16, beginning page 3 line 17, describes the operation for an incoming call. The incoming call, however, can only be created according to this embodiment along with the operation of the computer 100.

Page 4, lines 1-2, describes that the telephone handset 120 has "home PNA hardware 122 built-in" and that it connects to the phone line. Note that this is the same phone line to which the computer 100 is connected.

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Note that the specification, and specifically paragraphs 10-18, described how the electronically operated device includes a telephone handset together with the associated computer. For example, consider paragraph 9 of the original specification page 3 of the specification line 1-2 that describes the computer 100 being located on the network with a connection 110. This is described as being connected to a phone line over a home PNA connection, see page 3 lines 3-4. Therefore, since the phone device 120 includes home PNA hardware, and operates as described herein according to the function of the computer 100, the specification supports the first electronically operated device, and its function, as being a combination of the handset 120 and computer 100, see also figure 1, elements 100 and 120.

“said first electronically operated device sensing a first control, and responsive to sensing said first control, creating a synthesized voice that requests information;”

The telephone handset 120 is described as being “is a special handset which has home PNA hardware 122 built in”. See paragraph 12 of the specification, see also page 4 lines 1-2. One of the things that the telephone handset 120 can do, is enter a dedicated connection request such as 129, that “requests sending a

VoiceCommand". See page 4, lines 5-6. The first electronically operated device senses the first control (on the handset 120).

The computer 100, part of the "first electronically operated device" is described at paragraph 16 as carrying out a flowchart of Figure 2. Note that this flowchart detects the incoming call at 205. Paragraph 31 of the specification also describes how the system can be used to place a call, using the flowchart of Figure 3.

Paragraphs 31- 32 of the specification describes that

"This system can also be used to place a call. At 300, the user requests a call to be placed. The user can press, for example, the "voice command" button 129. The words "call jane" are sent from the handset 121, via the network circuit 122 over the phone line 110 to the computer. They may be sent as a ".wav"file for example.

The computer receives the Voice Command and automatically recognizes it. A limited set of commands may be defined. For it example, one command may include "call". This command set may call the person whose name comes after the command. ". Paragraph 33 describes the computer receives a command, paragraph 34 describes the computer searches through the contact list, and looks for ambiguities.

If there is any ambiguity, the system operates as in paragraph 34, page 7, lines 22-25, "Alternatively, if there is ambiguity, then the computer voice synthesizes a response. The response may say for example "should I call jane at

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her home, office or mobile number?" The response is again monitored, narrowing again the options."

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"said first electronically operated device receiving a voice to be recognized responsive to said creating said synthesized voice;

paragraph 34, page 7 of the specification lines 24-25, described that

"The response is again monitored, narrowing again the options."

Therefore, this clearly is showing that it is receiving a voice to be recognized to narrow those options. See also the last line of paragraph 23 which describes more generally that

"The attendant uses voice synthesis technology to synthesize its voice, and uses speaker independent voice recognition technology to analyze the results."

said first electronically operated device including a connection to a network that extends between said first electronically operated device and a second device,

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Here, the phone 120 and computer 100 collectively constitute the first electronically operated device, see above. This includes a connection to a network (e.g., 110) that includes at least a second device (e.g., The phone 130 that does not include built-in home PNA see paragraph 13, but is connected to an interface 135.)

See figure 1 that shows a network 110, and another phone such as 130 connected to the network 110.

wherein said first electronically operated device operates to obtain recognized voice information from said voice to be recognized,

The first electronically operated device (the combination of handset and computer) obtains recognized voice information. See paragraph 33 and 34, which looks for a match between the name and the stored information. By determining this match, this system is obtaining recognized voice information.

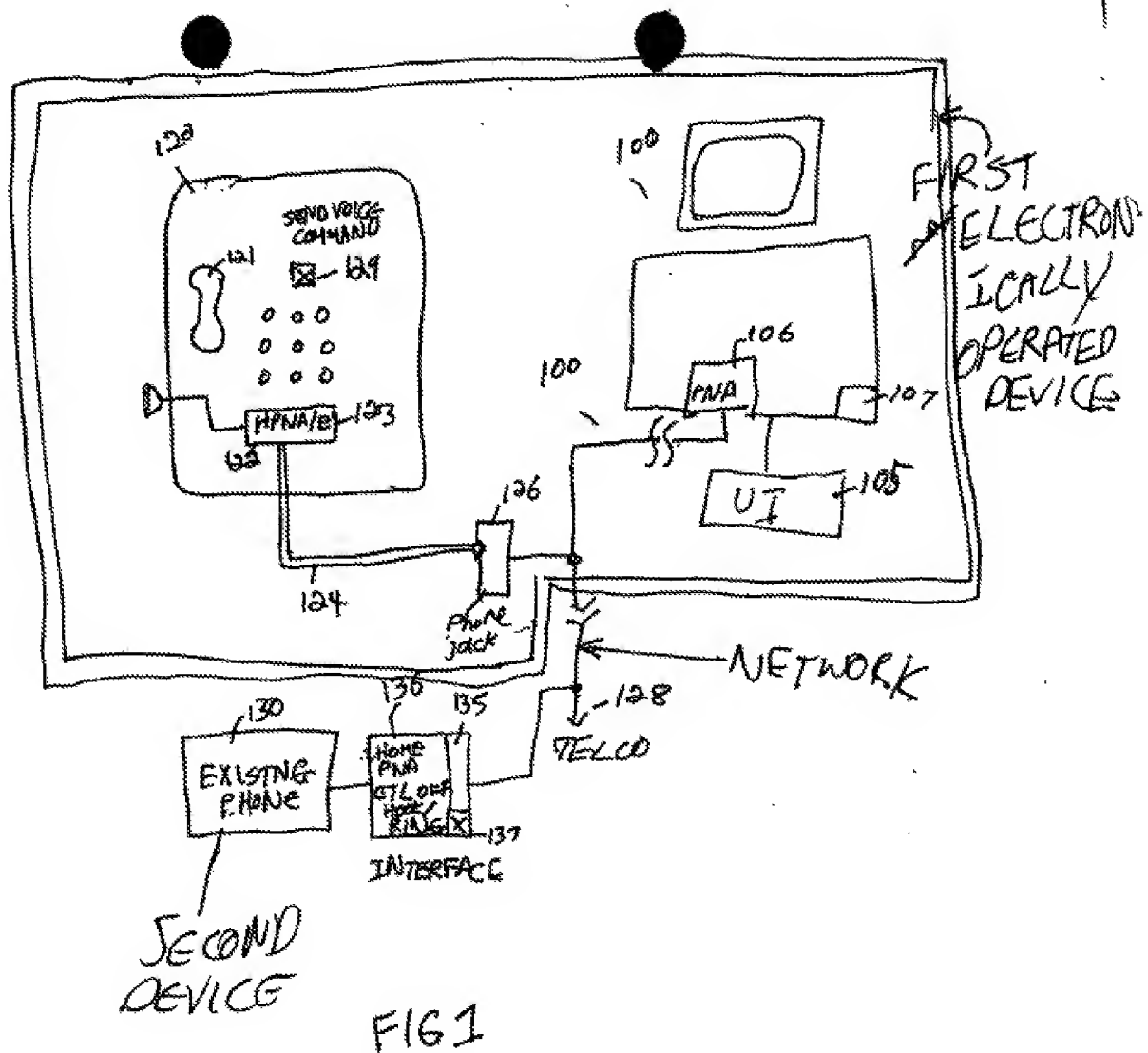
said first electronically operated device storing plural different contact information for plural different contacts;

The disclosure describes device stores plural different contact information (see the personal contact list in paragraph 34).

wherein said first electronically operated device compares said recognized voice information against said stored contact information, and recognizes said recognized voice information only as being one of said stored contact information, and controls automatically placing a call based on the stored contact information obtained from the recognized voice information.

The disclosure describes how the computer searches through the contact list to look for a match against the contact information. See paragraph 34, page 7 lines 16-17. Paragraph 34, page 7 lines 17-18 describes automatically placing the call via the network.

An annotated version of Figure 1, showing these various parts, follows to demonstrate that claim 13 is wholly supported. Note that this is not intended to become part of the specification, but simply intended to diagram that the first electronically operated device can be formed of the combination of the computer 100 and phone 120, and the second device, also connected to the network, can read on the existing phone 130.



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To summarize the above, applicant respectfully submits that the pending claims are wholly supported, and therefore that the rejection under 35 USC 112 is incorrect, and should be withdrawn.

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Respectfully submitted,

Date: 12/15/2010

/Scott C Harris/
Scott C. Harris
Reg. No. 32,030

Customer No. 23844
Scott C. Harris, Esq.
Law Office of Scott C. Harris, Inc.

SCHIPLAW

P.O. Box 1389
Rancho Santa Fe, CA 92067

P 858 756 7778
F 858 756 7717
M 619 823 7778

E harris@schiplaw.com
www.schiplaw.com

Claims Appendix

13. A system, comprising:

a first electronically operated device, including a telephone function that controls receiving a telephone call,

said first electronically operated device sensing a first control, and responsive to sensing said first control, creating a synthesized voice that requests information;

said first electronically operated device receiving a voice to be recognized responsive to said creating said synthesized voice;

said first electronically operated device including a connection to a network that extends between said first electronically operated device and a second device,

wherein said first electronically operated device operates to obtain recognized voice information from said voice to be recognized,

said first electronically operated device storing plural different contact information for plural different contacts;

wherein said first electronically operated device compares said recognized voice information against said stored contact information, and recognizes said recognized voice information only as being one of said

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stored contact information, and controls automatically placing a call based on the stored contact information obtained from the recognized voice information.

14. A system as in claim 13, wherein said first electronically operated device is included within a portable telephone.

15. A system as in claim 13, wherein said first electronically operated device is included within a personal digital assistant.

17. A system as in claim 13, wherein text indicative of said recognized voice information is displayed on said first electronically operated device and includes text indicative of said one stored contact based on said voice to be recognized.

18. A system as in claim 13, wherein said network connection is a Bluetooth connection.

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Evidence appendix

None

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Related proceeding appendix

None